



## Legislation Text

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**File #:** 19-839, **Version:** 2

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### MEMORANDUM

**TO:** Board of Supervisors

**FROM:** Scott De Leon, Water Resources Director

**DATE:** September 17, 2019

**SUBJECT:** (Sitting as the Lake County Watershed Protection District Board of Directors)  
Consideration of (a) Resolution approving an Agreement between the County of Lake, Lake County Watershed Protection District, City of Clearlake and City of Lakeport for the Implementation and Maintenance of the Lake County Clean Water Program; (b) Designating a member of the County of Lake Board of Supervisors to act as the County's authorized representative to the Clean Water Program Management Council, and authorize an additional member of the Board of Supervisors to serve as an alternate; and (c) Approval for the Director of Water Resources to be the designated representative, and appoint an alternate, for the District.

#### EXECUTIVE SUMMARY:

This item for the County of Lake Board of Supervisors and Board of Directors Lake County Watershed Protection District to approve the Clean Water Program Agreement with the co-permittees of the City of Lakeport and City of Clearlake. Approval of this agreement is necessary in order to comply with the State Water Resources Control Board National Pollutant Discharge Elimination System (NPDES Phase II) General Permit.

Please find attached the current agreement between Lake County Watershed Protection District, County of Lake, and the cities of Lakeport and Clearlake. This agreement has been updated to reflect current storm water general permit requirements from the last prior agreement executed in 2004.

In October 2003, the District, County of Lake, City of Clearlake and the City of Lakeport submitted a joint storm water management plan to the state. The plan ensured compliance with state requirements for storm water discharges under our municipal separate storm water sewer systems (MS4) general permit. On July 7, 2004 the state authorized co-permittees to discharge under a general Permit, provided that municipalities implement and monitor the storm water management plan and are in full compliance with the requirements and prohibitions of the General Permit.

The Clean Water Program remained active for about 10 years ensuring program compliance within

city and county jurisdictional boundaries. Activity declined around 2013. Minimal MS4 activity took place between 2013 and 2018 and as a result the state has threatened enforcement for non-compliance with the general permit. During the same period, state requirements continued to become more stringent and are now linked to the state-regulated Total Maximum Daily Loads program.

In 2018 the Water Resources Department initiated meetings with co-permittees in an effort to ensure future compliance and to discuss reinstituting the Clean Water Program. We decided that it would be in the best interest of Clear Lake, each co-permittee, and citizens of Lake County to reinstitute the Clean Water Program. One of the first orders of business is to establish a new agreement that is relevant with the current general permit. The original Clean Water Program agreement expired in 2009.

The new agreement has been reviewed by all co-permittees and has been approved by the City Councils of both Lakeport and Clearlake.

Today we ask you to approve the attached agreement providing for the implementation and maintenance of the Lake County Clean Water Program Management Council as one of the co-permittees with the cities of Lakeport and Clearlake. We also ask that you designate a member and alternate member of the County of Lake Board of Supervisors to act as the County's representative on said Management Council. Please note that the "Lake County Stormwater Program Advisory Council" whose purpose can be fulfilled by participation in the Lake County Clean Water Program, lists supervisors E.J. Crandell as the lead member, with Bruno Sabatier as alternate (formerly Jim Steele / Jeff Smith). Lastly we request that you approve the Lake County Water Resources Director to be the designated Watershed Protection District Clean Water Program Management Council Representative and appoint an alternate representative.

**FISCAL IMPACT:** ☒ None ☐ Budgeted ☐ Non-Budgeted

Estimated Cost:

Amount Budgeted:

Additional Requested:

Annual Cost (if planned for future years):

**FISCAL IMPACT (Narrative):** None

**STAFFING IMPACT (if applicable):** None

**RECOMMENDED ACTION:**

(a) Adopt Resolution approving an Agreement between the County of Lake, Lake County Watershed Protection District, City of Clearlake and City of Lakeport for the Implementation and Maintenance of the Lake County Clean Water Program.

(b) Designate a member of the County of Lake Board of Supervisors to act as the County's authorized representative to the Clean Water Program Management Council, and authorize an additional member of the Board of Supervisors to serve as an alternate.

(c) Approve the Director of Water Resources to be the designated representative, and appoint an alternate, for the District.

SD: Attachment